



REMARKS

The Office Action dated August 4, 2006, has been received and carefully noted.

The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 3 and 5 have been amended. No new matter has been added. Support for the amendments to claims 3 and 5 can be found on page 15, line 23 to page 16, line 16 of the specification and claim 1 as originally filed. Claims 1-6 are pending and respectfully submitted for consideration.

Rejection Under 35 U.S.C. § 102

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Newell (U.S. Patent No. 5,651,064). Claim 2 depends from claim 1, claim 4 depends from claim 3, and claim 6 depends from claim 5. The Applicants traverse the rejection and respectfully submit that claims 1-6 recite subject matter that is neither disclosed nor suggested by Newell.

As a result of the claimed invention, when the information data recorded in the first recording medium is to be recorded in the second recording medium (for backup, for example), the information data is at first encrypted in accordance with the identification data of the second recording medium, and then recorded in the second recording medium. Accordingly, the content recorded in the second recording medium may be made different from that recorded in the first recording medium. Therefore, it is possible to prevent unlawful copying, while at the same time allowing a lawful user to perform data recording for the purpose of data backup. In this way, if the information data recorded in the first recording medium is accidentally destroyed, the same data

can be restored in accordance with the identification data of the second recording medium and can be recorded back into the first recording medium. The Applicants respectfully submit that Newell fails to disclose or suggest the claimed features of the invention, and thereby, fails to provide the critical and non-obvious advantages of the present invention.

Newell discloses a system for preventing unauthorized copying of recorded information. Newell's system has a number of independently identifiable storage media holding the information in encrypted form and a number of drives for driving the storage media, the drives each having a key which decrypts the information on at least one of the storage media. The drives are in communication with a host computer which compares the identities of the storage media with each other and with an authorized list of identities. Should an identity be unauthorized, indicating unauthorized copying, the host computer sends a message to the corresponding drive that disables either that drive or the storage medium having that identity. See the Abstract of Newell.

The Applicants respectfully submit that Newell fails to disclose or suggest the features of the invention as recited in claims 1, 3 and 5.

Claim 1 recites, in part, the method for recording/reading information data comprising the steps of encrypting the first encrypted information data in accordance with an identification data of the second recording medium, so as to produce second encrypted information data, and recording the second encrypted information data in the second recording medium.

Claim 3 recites, in part, a system for recording/reading information data, wherein the first encrypted information data is recorded as the second encrypted information data in the second recording medium without being decoded.

Claim 5 recites, in part, a system for recording/reading information data wherein recorded in the second recording means is second encrypted information data formed by encrypting the first encrypted information data in accordance with identification data of the second recording medium, which first encrypted information data is formed through encryption in accordance with identification data of the first recording medium. The decoded first encrypted information data is recorded in the first recording medium without being further decoded.

In contrast, Newell merely discloses preventing unlawful copying of recorded information, but fails to disclose or suggest preparing a backup copy for an individual's legally obtained data to make it possible to reproduce accidentally destroyed data as recited in claims 1, 3 and 5. As such, there is no disclosure or suggestion in Newell of the claimed method comprising the step of encrypting the first encrypted information data so as to produce a second encrypted information data and recording the second encrypted information data in the second recording medium, as recited in claim 1; or a system for recording/reading information data, wherein the first encrypted information data is recorded as the second encrypted information data in the second recording medium without being decoded, as recited in claim 3. Further there is no disclosure or suggestion in Newell that recorded in the second recording means is second encrypted information data formed by encrypting the first encrypted information data in accordance with identification data of the second recording medium, which first encrypted

information data is formed through encryption in accordance with identification data of the first recording medium decoded first encrypted information data is recorded in the first recording medium without being further decoded, as recited in claim 5.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim. . . . [t]he identical invention must be shown in as complete detail as is contained in the patent claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). Accordingly, Newell does not disclose or suggest the features of the invention as recited in claims 1, 3 and 5. Accordingly, Newell does not anticipate claims 1, 3 and 5, nor are claims 1, 3 and 5 obvious in view of Newell.

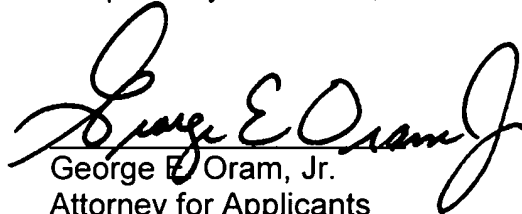
Conclusion

Claim 2 depends from claim 1, claim 4 depends from claim 3 and claim 6 depends from claim 5. The Applicants respectfully submit that these dependent claims incorporate the patentable aspects of their respective parent claim, and are therefore allowable for the reasons submitted above. Accordingly, the Applicants respectfully request withdrawal of the rejection, allowance of claims 1-6, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107156-00031.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George E. Oram, Jr.", is written over a horizontal line.

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